

REMARKS

By this amendment, claims 1-6 have been canceled, the specification has been revised, and new claims 7-13 are added to place this application in immediate condition for allowance. Currently, claims 7-13 are before the Examiner for consideration on their merits.

The specification has been revised to clarify a typographical error with respect to the magnetic field orientation and clarify that coercivity and coercive force are synonyms. Also, the change from "alkali-earth" to "alkaline earth" has been made in the specification and Abstract. Accordingly, the objections raised in the Office Action have been overcome.

The cancellation of claims 1-6 and addition of new claims 7-13 also overcomes the rejection based on 35 U.S.C. § 112, first paragraph. In this rejection, the Examiner alleged that the specification was not enabling for the claims directed to alkaline-earth metals. This rejection is believed to be overcome by the language found in the new claims. That is, the claims now define the ferrite powder as comprising strontium as a constituent element. Clearly, the specification teaches how to make the claimed strontium-containing ferrite powder, and the rejection based on 35 U.S.C. § 112, first paragraph, should be withdrawn.

Turning now to the prior art rejection, the Examiner rejected claims 1 and 6 under 35 U.S.C. § 102(b) based on United States Patent No. 4,308,155 to Tada et al.

(Tada). In making this rejection, the Examiner alleges that Tada teaches the claimed powder and bond magnet.

It is now contended that Tada does not anticipate claim 7 since Tada does not disclose the combination of fine and coarse ferrite powder as claimed. Lacking this limitation, the rejection based on Tada cannot be maintained against claim 7. Moreover, there is no basis to conclude that Tada could somehow establish a *prima facie* case of obviousness against claim 7 since there is no suggestion whatsoever about the use of fine and coarse powders of a particular size and mixing ratio.

Claim 11 as the bond magnet is patentable for the same reason as claim 7, since it includes the same limitations.

Claim 12 is also patentable on the grounds that it is dependent from claim 11, which is patentably distinguishable from Tada.

It is also contended that Tada does not teach a bond magnet of claim 12 when having the decrease in coercive force of less than 600 Oe when subjected to the claimed processing. In the rejection, the Examiner notes that the powder of Tada exhibits a decrease in coercivity of 40-60 and concludes that the same decrease would result if the Tada powder were subjected to the claimed conditions. It is contended that the Examiner's position in this regard is flawed. The comparative evidence of Table 2, page 7 of the specification puts in question the Examiner's assumption. This evidence shows that the decrease in coercive force can be greater than 600 Oe if the invention is not practiced. Moreover, comparative example 2 is based on the combination of fine and coarse powders which is not even disclosed in Tada. If an

example of a powder that is closer to the invention than the powder of Tada cannot meet the claimed limitation regarding a decrease in coercive force once processed according to the test of claim 12, how can the powder of Tada be assumed to meet the claimed limitation? The evidence set forth in Table 2 indicates that the Examiner's position that the claimed decrease in coercive force would be found in the powder of Tada is unsubstantiated. The Examiner is called on to provide further objective evidence to support the contention that Tada meets the limitations of claim 12, or pass this claim onto allowance with the other allowable claims pending in this application.

Lastly, it is submitted that claim 13 is both patentable over Tada and should be considered and allowed by the Examiner. Claim 13, while being a method claim, includes the features before the Examiner for consideration with respect to the powder and bond magnet claims, and the presence of these limitations distinguishes claim 13 on its face from Tada. Also, there is no undue burden placed on the Examiner to consider claim 13 from a patentability perspective since the features of claim 13 were found in the original 6 claims before the Examiner.

In summary, it is contended that Tada cannot anticipate independent claims 7, 11, and 13. Moreover, claim 12 is also separately patentable from Tada. In addition, there is no basis to conclude that Tada can establish a *prima facie* case of obviousness against these claims without using the Applicants' disclosure as a teaching template to formulate such a rejection.

Accordingly, the Examiner is respectfully requested to examine this application in light of this response and pass claims 7-13 onto issuance.

If the Examiner believes that an interview with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to telephone the undersigned at 202-835-1753.

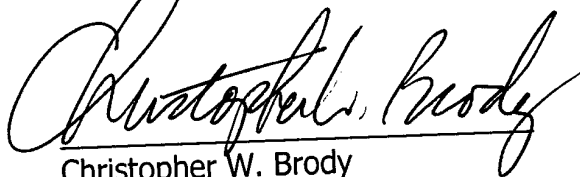
The above constitutes a complete response to all issues raised in the Office Action dated April 4, 2006.

Again, reconsideration and allowance of this application is respectfully requested.

A petition for a one month extension of time is made and a check in the amount of \$120.00 is attached herewith.

Please charge any fee deficiency to deposit account no. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", written over a horizontal line.

Christopher W. Brody
Registration No. 33,613

Customer No. 22902
1090 Vermont Ave. NW
Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Facsimile: 202-835-1755

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